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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,926	08/25/2003	Mitsuru Amimoto	03560.017496.	1957

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FITZPATRICK CELLA HARPER & SCINTO  
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NEW YORK, NY 10112

EXAMINER
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GETANEH, MESFIN S

ART UNIT	PAPER NUMBER
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2625

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12/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/646,926	<b>Applicant(s)</b> AMIMOTO ET AL.	
	<b>Examiner</b> MESFIN GETANEH	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4,5,11,13,17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4,5,11,13,17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) 4 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to communications: RCE filed on November 12, 2008 to the original filed on August 25, 2003.
2. Claims 4, 5, 11, 13, 17 and 19-22 are pending in this application.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 12, 2008 has been entered.

#### ***Response to Amendment***

##### ***Claim Objections***

4. Claims 4 and 20 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 17 discloses imaging lens being equipped with a rod lens array and claim 4 discloses said lens is a rod lens array. Claim 17 discloses surfaces of the urging portions abutting against the transparent original are larger than the perforation holes of the transparent original and claim 20 discloses each of said plurality of urging portions is greater than a perforation hole of the transparent original.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 4, 5, 11, 13, 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ochi et al. herein after Ochi (US 7,034,967) in view of Hamasaki (US Pat 4,627, 704) and further in view of Chang (US Pat 6,519,023).**

**With regards to claim 17, Ochi teaches an image reading apparatus (flat bed scanner 71 in FIG. 5) for reading a transparent original having perforation holes (film 21 of FIG. 5 has perforation holes as shown in FIG. 6 is read by flat bed scanner 71), in which the apparatus (flat bed scanner 71 of FIG. 5) has a transparent original illuminating device (transparent original adapter 73 in FIG. 5), the transparent original (film 21 in FIG. 5), a transparent original plate for receiving the transparent original there-against, (film 21 is there-against platen glass 100 in FIG. 5), an imaging lens (projection lens 52 in FIG. 5) and a reading sensor (line sensor 97 in FIG. 5) arranged in order (col. 12, line 45-50, col. 13, line 60-67),**

Ochi teaches projection lens 52 forms an image of the light received from the original on a light receiving plane 50 of the line sensor 97 and adjusts reflected light which has reached the reflected original from the light source 94 to form an image when reading the reflected original (col. 5, line 63-67).

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Ochi teaches supporting roller drive circuit moves the film supporting rollers downward when reading film against original placement plane of platen glass along film passing plane (col. 13, line 53-59).

Ochi teaches wherein transparent original is urged against said transparent original plate by said urging portions (film supporting rollers 75 and 76 are pressed against platen glass 100 as shown in FIG. 5), surfaces of the urging portions abutting against the transparent original are larger than the perforation holes of the transparent original (film supporting rollers 75 and 76 are abutting against the transparent original and are larger than perforations 23 and 24 as shown in FIG 6), and the urging portions urge at least parts of surrounding areas of successive perforation holes of the transparent original, respectively (film supporting rollers 75 and 76 moves downward when reading film so that film supporting rollers press film against original placement plane 18 of platen glass 100, col. 13, line 54-59, that covers parts of surrounding areas of successive perforation Holes of the film, respectively).

Ochi does not explicitly teach said imaging lens being equipped with a rod lens array which is to be focused on the transparent original disposed against said transparent original plate,

Hamasaki teaches a type of electrophotographic copying machine for reciprocating a document table for carrying a copy document comprising a document table, a light source unit, a lamp, a bowl wall, a rod lens array, a plate

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**where in the rod lens array used to focus reflected light from the original onto the optical-sensitive member (col. 2, line 19-46).**

**Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to use a rod lens array for the purpose of projecting an image of the reflection type from the original for the purpose reading or forming the image.**

Ochi and Hamasaki do not explicitly teach wherein said transparent original illuminating device is provided at its transparent original side with a plurality of urging portions disposed at positions corresponding to an out of an image area of the transparent original, **said urging portions protruding less than a depth of field of said lens**, above a light **emitting** surface,

Chang teaches the transparency may be smoothly rested on the glass window of the body by the light permeable face of the plane light source. Thus, the light of the plane light source may penetrate the light permeable face of the plane light source, and pass through the transparency and the glass window of the body, to proceed the image scanning. The plane light source, the transparency, and the glass window of the body present a smooth resting state within 0.3mm (col. 3, line 39-51).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to use a light source that pressed against the original within the scanning depth to obtain a clear image (Chang, col. 3, line 50-55).

**With regards to claim 4**, which further limits claim 17,

Ochi teaches an image reading apparatus where in said image reading unit includes a projection lens and a focusing mechanism (**col. 7, line 27-33, col. 9, line 18, and col. 15, line 28-35**).

However, Ochi and Chang do not explicitly teach wherein said **lens is** a rod lens array.

Hamasaki teaches a rod lens array used to focus reflected light from the original onto the optical-sensitive member (**col. 2, line 44-46**).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention was made to use a focus lens having a rod lens array for the purpose of focusing the original.

**With regards to claim 19**, which further limits **claim 17**, Ochi teaches wherein said plurality of urging portions (film supporting rollers 75 and 76 of FIG. 5) are provided on an out, **in a width direction of the transparent original** (FIG. 8), of a light emitting area of said transparent original illuminating device (col. 16, line 45-51).

**With regards to claim 20**, which further limits **claim 17**, Ochi teaches wherein each of said plurality of urging portions is greater than a perforation hole of the transparent original (film supporting rollers 75 and 76 are greater than perforations 24 and 23 as shown in FIG 6).

**With regards to claim 21**, which further limits **claim 17**, Ochi teaches a transparent original guide rested on said transparent original plate and adapted to determine positions of the transparent original and said transparent original illuminating device (**col. 19, line 23-30**).

**With regards to claim 22**, which further limits **claim 21**, Ochi teaches wherein said transparent original guide is provided with a spacer member located at a position out of an image area of the transparent original and inside of said urging portions between the transparent original and said transparent original plate (**FIG. 5**, film supporting members 75 and 76 create a space under a delivery device of DC motor 31 and take-up spool 32).

**With regards to claim 5**, which further limits **claim 21**, Ochi teaches wherein a contact surface between said **illuminating device** (transparent original adapter 71) and **said** guide (film supporting rollers 75 and 76) is provided with sliding preventing means (**FIG. 5**).

With regards to **claim 11**, which further limits **claim 21**, Ochi teaches positioning means for determining a relative position between the transparent original and **said** guide unit and said light source unit (light source drive circuit 78 and optical drive circuit 66 of **FIG. 6**), and wherein, by the positioning of said positioning means, said light source unit can illuminate the entirety of at least any one image surface of among plural images included in the transparent original (**col.14, line 47-57**).

With regards to **claim 13**, which further limits **claim 11**, Ochi teaches wherein said positioning means include a convex/concave portion provided between said guide unit and said light source unit (**col. 19, line 13-17**).

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 4, 5, 11, 13, 17 and 19-24 have been considered but are moot in view of the new ground(s) of rejection.



Applicant argues regarding first embodiment of Ochi's reference; however examiner did not rely on the first embodiment of Ochi's reference for any of the rejections of the claims. Regarding the second embodiment of Ochi's reference, applicant argues since the film is pressed against, or away from, the original placement plane by the rollers for conveying the film, the film is not completely urged against the platen glass. Examiner respectfully disagrees. Ochi discloses the film being pressed against the original placement in FIG. 5 and Ochi neither discloses nor shows in the figure that that the film is not completely urged against the original placement. Therefore, the structure of this embodiment can be applied to an image reading apparatus comprising a rod lens array.

Applicant argues that Ochi is silent about "the urging portion for urging the transparent original plate". However, as it indicated in the rejection, Ochi discloses film supporters that press the film against the original plate (col. 13, line 54-59).

Applicant argues that in the present invention, an image area of the transparent is not urged, so it is not damaged by the urging force against the transparent original plate and the Chang's reference is clearly different from the application. However, Chang discloses a protective pad 16 mounted on the inner surface 14 of the upper cover 12 is formed through window 17 and rested on the surface of the glass window of the body to protect the transparency (col. 2, line 40-65, col. 3, line 1-15).

**Contact**

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MESFIN GETANEH whose telephone number is (571)270-3752. The examiner can normally be reached on 9:00AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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